

REMARKS

This application has been reviewed in light of the FINAL REJECTION mailed March 20, 2007. Reconsideration of this application in view of the below remarks is respectfully requested. Claims 10-20 are pending in the application with Claims 10, 19 and 20 being in independent form.

I. Rejection of Claims 10 – 15 Under 35 U.S.C. § 103(a)

Claims 10 – 15 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over U.S. Patent No. 6,349,324 issued to Tokoro in view of U.S. Patent No. 6,757,301 issued to Tsai.

As presented in a previous response, the original communication connection used to supply the data for the television-telephone conversation, as disclosed in Tokoro, is maintained even if the sub-communication with the television is degraded, thus the audio is still receivable over the original communication connection. This does not suggest a need for the Tokoro apparatus to start originating a new call for voice communication with a remote cellular telephone set other than the call used by the cellular telephone set to perform the sub-communication means, as recited in Applicant's Claim 10, and similarly in Claims 19 and 20.

The Tokoro apparatus does not start originating a new call for voice communication with a remote cellular telephone set other than the call used by the cellular telephone set to perform the sub-communication means when the channel quality of the sub-communication means has deteriorated to not more than a predetermined level. Rather, Tokoro discloses that the user can temporarily suspend the sub-communication and continue the communication as voice only. The user can resume the television-telephone conversation once a television is again in range by operating the television-telephone button. (See: Tokoro, col. 14, lines 44 – 51).

It is evident that the Tokoro apparatus makes only one call to a remote telephone, and only the transmitter used to perform the television-telephone conversation is disengaged when the user turns off the television-telephone button. The call to the remote telephone however remains established. Therefore, Tokoro does not originate a new call for voice communication when the channel quality of the sub-communication means has deteriorated. Rather, Tokoro simply disengages the transmission to the television, while maintaining the original call so that the conversation can be continued as a voice-only conversation.

Consequently, Tokoro teaches away from the functioning of Applicant's invention recited in independent Claim 10. Applicant's claimed invention provides that a cellular telephone transceiver means starts originating a new call for voice communication with a remote cellular telephone set when the channel quality of the sub-communication means has deteriorated to not more than a predetermined level, the new call being other than a call used by the cellular telephone set to perform sub-communication with the accessory.

Tsai discloses switching between a data/fax mode and a voice mode, however Tsai does not disclose a control means causing a cellular telephone transceiver means to start originating a new call for voice communication with a remote cellular telephone set. Applicant does not claim switching, but rather claims initiating a new call, other than the first call used for the sub-communication, for voice communication when the first call is deteriorated to not more than a predetermined level.

The Tsai apparatus does not originate a new call for voice communication with a remote cellular telephone set when the channel quality of the sub-communication means has deteriorated to not more than a predetermined level. Tsai specifically discloses detecting the type of communication – i.e., voice, fax, or silence – being received over a telephone line, and based on

the determination, the apparatus switches between voice and fax modes, or if silence is detected the apparatus terminates the call. To reiterate, Tsai does not originate any new calls when the channel quality has deteriorated.

It should be noted that Tsai does not base the switching on channel quality but rather on the energy's time pattern indicative of data, voice or silence, where data is characterized by a relatively uniform pattern, voice is characterized by an oscillating pattern, and silence is characterized as a uniformly low energy pattern.

Thus, the hypothetical combination of Tokoro and Tsai would not result in Applicant's invention as recited in the claims. Therefore, for at least the reasons presented above, Claims 10 – 15 are believed to be allowable over the cited prior art references. Accordingly, Applicant respectfully requests withdrawal of the rejection with respect to Claims 10 – 15 under 35 U.S.C. § 103(a) over Tokoro in view of Tsai.

II. Rejection of Claims 16 – 20 Under 35 U.S.C. § 103(a)

Claims 16 – 20 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over Tokoro in view of Tsai and further in view of U.S. Patent No. 5,880,732 issued to Tryding.

Claims 16 – 18 depend from independent Claim 10, thus these claims include all the limitations recited in that independent claim. Additionally, independent Claims 19 and 20 recite similar limitations as Claim 10. Therefore, the arguments presented above apply equally well to the present rejection.

Tryding discloses an apparatus for enabling use of a display monitor with a mobile telephone. Tryding does not disclose a control means causing a cellular telephone transceiver means to start originating a new call for voice communication with a remote cellular telephone

set when a channel quality of sub-communication means has deteriorated to not more than a predetermined level. Hence, Tryding does not overcome the deficiencies of Tokoro and Tsai.

Therefore, for at least the reasons presented above, Claims 16 – 20 are believed to be allowable over the cited prior art references. Accordingly, Applicant respectfully requests withdrawal of the rejection with respect to Claims 16 – 20 under 35 U.S.C. § 103(a) over Tokoro in view of Tsai and further in view of Tryding.

CONCLUSIONS

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 10 – 20 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,



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